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OFFICE OF PETITIONS

In re Application of :
Richard K. Errickson et al :
Application No. 10/723,044 :
Filed: November 25, 2003 :
Attorney Docket No. POU920030189US1 :

ON PETITION

This is a decision on the petition, filed May 3, 2007, which is being treated as a petition under 37 CFR 1.313(c) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

- (1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;
- (2) Consideration of a submission pursuant to 37 CFR 1.114; or
- (3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865, 14873 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47, 54 (Apr. 11, 2000).

The Office is unclear as to whether petitioner intends consideration under 37 CFR 1.313(c)(3), as no mentioned of an express abandonment or the filing date of an continuing application was mentioned in the petition filed May 3, 2007.

Additionally, a renewed petition will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials before the date of issue.

Further correspondence with respect to this matter should be addressed as follows:

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Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

A handwritten signature in black ink, appearing to read "Karen Creasy". The signature is fluid and cursive, with the first name "Karen" written in a larger, more prominent script than the last name "Creasy".

Karen Creasy
Petitions Examiner
Office of Petitions